

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE LIBOR-BASED FINANCIAL INSTRUMENTS ANTITRUST LITIGATION	MDL No. 2262
THIS DOCUMENT RELATES TO:	Master File No. 1:11-md-2262-NRB ECF Case
THE BERKSHIRE BANK and GOVERNMENT BANK FOR PUERTO RICO Individually and On Behalf of All Others Similarly Situated,  Plaintiffs,  v.  BANK OF AMERICA CORPORATION, et al.,  Defendants.	Civil Action No. 12-CV-5723-NRB

**LENDER PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR PRELIMINARY  
APPROVAL OF SETTLEMENT WITH JPMORGAN AND BANK OF AMERICA**

**TO: ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD**

**PLEASE TAKE NOTICE** that, on a date and at a time to be determined by the Court, at the United States District Court for the Southern District of New York, Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York 10007, in the Courtroom of the Honorable Naomi Reice Buchwald, Lender Plaintiffs will, and hereby do, move the Court, pursuant to Federal Rule of Civil Procedure 23(e), for an Order: (i) granting preliminary approval of the proposed settlement ("Settlement") reached between Lender Plaintiffs and defendants JPMorgan

Chase & Co. and JPMorgan Chase Bank, N.A. (collectively, “JPMorgan”) and Bank of America Corporation and Bank of America, N.A. (collectively, “BOA”) in the above-captioned action; (ii) conditionally certifying the Lender Settlement Class; (iii) appointing Settlement Class Counsel; (iv) approving Lender Plaintiffs’ choice of a Claims Administrator and Escrow Agent; and (v) approving the notice program and preliminarily approving the Plan of Distribution.

Submitted herewith in support of Lender Plaintiffs’ Motion for Preliminary Approval of Settlement with JPMorgan and BOA are: (i) the Memorandum of Law in Support of Lender Plaintiffs’ Motion for Preliminary Approval of Settlement with JPMorgan and BOA; (ii) the Declaration of Jeremy A. Lieberman in Support of Lender Plaintiffs’ Motion for Preliminary Approval of Settlement with JPMorgan and BOA and exhibits thereto; (iii) the Plan of Distribution; (iv) the Declaration of Jennifer M. Keough in Support of the Notice Program and exhibits thereto; and (v) the [Proposed] Order Preliminarily Approving the Settlement, Conditionally Certifying the Lender Settlement Class, Appointing Settlement Class Counsel, Approving Notice Program and Preliminarily Approving Plan of Distribution.

Dated: August 28, 2019  
New York, New York

**POMERANTZ LLP**

/s/ Jeremy A. Lieberman

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*Interim Lead Counsel for the  
Lender Class*